

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

---

OREGON FIREARMS FEDERATION,	)
INC., et al.,	)
	) Civil No.
Plaintiffs,	) 2:22-cv-01815-IM
v.	) (Lead Case)
	)
TINA KOTEK, et al.,	) Civil No.
	) 3:22-cv-01859-IM
Defendants.	) (Trailing Case)
	)
	) Civil No.
(Continued)	) 3:22-cv-01862-IM
	) (Trailing Case)
	)
	) Civil No.
	) 3:22-cv-01869-IM
	) (Trailing Case)
	)

---

\* VIDEOCONFERENCE \*

DEPOSITION UPON ORAL EXAMINATION  
OF EXPERT

ROBERT J. SPITZER

---

Witness located in:

Williamsburg, Virginia

\* All participants appeared via videoconference \*

DATE TAKEN: April 5, 2023  
REPORTED BY: Tia B. Reidt, Washington RPR, CCR #2798  
Oregon #22-0001

1 \_\_\_\_\_  
2 (continued) )  
3 MARK FITZ, et al., )  
4 Plaintiffs, )  
5 v. )  
6 ELLEN F. ROSENBLUM, et al., )  
7 Defendants. )  
8 \_\_\_\_\_ )  
9 KATERINA B. EYRE, et al., )  
10 Plaintiffs, )  
11 v. )  
12 ELLEN F. ROSENBLUM, et al., )  
13 Defendants. )  
14 \_\_\_\_\_ )  
15 DANIEL AZZOPARDI, et al., )  
16 Plaintiffs, )  
17 v. )  
18 ELLEN F. ROSENBLUM, et al., )  
19 Defendants. )  
20 \_\_\_\_\_ )  
21 )  
22 )  
23 )  
24 )  
25 )

Page 3

APPEARANCES

For Oregon Firearms Federation:

LEONARD WILLIAMSON  
VAN NESS WILLIAMSON  
960 Liberty Street SE, Suite 100  
Salem, OR 97302  
(503) 365-8800  
L.williamson@vwllp.com

For the State of Oregon Defendants:

ANIT JINDAL  
MARKOWITZ HERBOLD  
1455 SW Broadway, Suite 1900  
Portland, OR 97201  
(503) 972-5076  
AnitJindal@markowitzherbold.com

\* \* \* \* \*

Page 61

1 firearms with a magazine capacity of 10 or more -- or  
2 large-capacity magazines, are they in common use in the  
3 United States?

4 A. Well, it all depends on how one defines the  
5 term "common use." They certainly are prolific.

6 Q. Well, are there more of them than 100,000?

7 A. Sorry. You're talking about more  
8 large-capacity magazines?

9 Q. Yeah. Do you think there are more than  
10 100,000 in circulation?

11 A. Oh, I believe it's more in the tens of  
12 millions at this point.

13 Q. Okay.

14 Do you routinely keep track of and read the  
15 United States Supreme Court cases regarding Second  
16 Amendment issues?

17 A. I have read Supreme Court decisions on the  
18 Second Amendment, yes.

19 Q. Like Heller and McDonald and Bruen?

20 A. Yes.

21 Q. And do you have an opinion about how the  
22 justices used history in those cases?

23 A. Yes. The answer is badly.

24 Q. Can you tell me why they used it badly?

25 A. Well, history is not a perfect science, but

Page 71

## C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of ROBERT J. SPITZER, having been duly sworn, on April 5, 2023, is true and accurate to the best of my knowledge, skill and ability. Reading and signing was requested pursuant to FRCP Rule 30(e).

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of April, 2023.



/S/ Tia B. Reidt  
Tia B. Reidt, RPR, CCR #22-0001  
NOTARY PUBLIC, State of  
Washington.  
My commission expires  
5/15/2026.